S.B.CRIMINAL MISC. BAIL APPLICATION NO.4473/2007
(Smt. Santara Devi alias Santosh & Anr. vs. State of Rajasthan)

DATE OF ORDER : September 18, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.H.S.Shrimali, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned.

Learned counsel for the petitioners submits that petitioner No.1 Smt. Santara Devi alias Santosh has been arrested and, therefore, the bail application filed by her under section 438 Cr.P.C. has become infructuous.

In this view of the matter, the bail application filed by petitioner No.1 Smt. Santara Devi alias Santosh is dismissed as having become infructuous.

However, so far as petitioner No.2 Ramkumar is concerned, he is brother-in-law (Devar) of the complainant, and husband of the complainant has been arrested and the dowry articles alleged to have been recovered.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to petitioner No.2.

Accordingly, the bail application filed by petitioner No.2 under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner No.2 Ramkumar s/o Brijlal Kumhar in FIR No.98/2007, Police Station, Mahila Thana, Bikaner, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

Petitioner No.2 shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-